

REMARKS

Claims 2, 4-5, 7, and 10-12 remain in this application. Claims 1, 3, 6, and 8-9 have been cancelled.

For the sake of clarity and to expedite prosecution, present claim 2 (and claims 4-5, 7, and 10-12 dependent thereon) have been amended to recite a utility knife for glaziers and SHEET ROCK (TM) dry wall workers, comprising, a reversible, detachable blade having a flat surface that defines a two-dimensional plane in space; and a substantially V-shaped handle for supporting the blade, said handle comprising a substantially V-shaped first member and a substantially V-shaped second member, wherein said first member is removably attached to said second member in order to create said substantially V-shaped handle, wherein one leg of the V-shape is a gripping portion and the other leg of the V-shape is a blade supporting portion, and said gripping portion is angulated with respect to said blade such that said gripping portion is angulated away from and out of said two-dimensional plane. The amendments to claim 2 are clearly supported by the specification, as originally filed. See, for example, Figs. 1-4. Accordingly, no new matter has been added.

Applicants' invention provides a utility knife for glaziers and sheet rock workers that has a two-part handle. The handle clamps a detachable reversible knife blade at a transverse angulated position with respect thereto. Vertical cuts can be made in tight corners without applying excessive force. The transversely angulated knife blade affords access permitting vertical cuts in tight corners. During cutting the user's hands are

displaced from the cutting line, and kept from being inline with the cutting blades, thereby preventing injury.

Oath/Declaration

The declaration was objected to as failing to be in compliance with 37 CFR 1.67(a).

The Examiner has stated that a new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. MPEP §§ 602.01 and 602.02.

Submitted herewith is a new declaration with amended language that is submitted to be in compliance with 37 CFR 1.67(a). The new declaration properly identifies the present application by providing the names of the inventors and the title of the invention which was on the specification as filed. See MPEP § 602(VI).

Accordingly, reconsideration of the objection to the declaration is respectfully requested.

Drawings

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

The Examiner has stated that the “channel that is milled to a width that loosely fits the edges of the knife blade”, of claim 9, must be shown or the feature canceled from the claim. In order to expedite prosecution, claim 9 has been canceled.

Accordingly, reconsideration of the objection to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims is respectfully requested.

Specification

The specification was objected to because of certain informalities.

The Examiner has listed several informalities in the specification that must be corrected. See paragraph 3 of the Office action dated August 27, 2007. The specification has been amended, as described at pages 5-11 of this paper, to address each objection raised by the Examiner.

Accordingly, reconsideration of the objection to the specification as containing certain informalities is respectfully requested.

Claim Objections

Claims 2, 4, 5, 7, and 9-12 were objected to because of certain informalities.

The Examiner has listed certain informalities with the claims. See paragraph 4 of the Office action dated August 27, 2007. It is submitted that in view of the present amendments to claims 2, 4-5, 7, and 10-12 that each of the informalities with the claims has been obviated.

Accordingly, reconsideration of the objection to claims 2, 4, 5, 7, and 9-12 as containing certain informalities is respectfully requested.

Double Patenting

Claims 2, 4, 5, 7, and 9-12 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 2, 4, 5, 7, and 9-12 of copending Application No. 11/352,728. The Examiner has argued a statutory type double patenting rejection.

Applicant respectfully traverses this argument. MPEP 804(II)(A) states that a reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Applicant submits that independent claim 2 of the present application does not require the blade of the knife to be “double-edged”. Therefore, independent claim 16 could be literally infringed without literally infringing the corresponding claim in copending Application No. 11/352,728, that is by having a blade that is “single-edged”, rather than “double-edged”.

Therefore, it is submitted that (1) a knife with a “single-edged” blade is a different embodiment than (2) a knife with a “double-edged” blade. Because the present claims represent a broader embodiment when compared with the claims in copending Application No. 11/352,728, it is submitted that a statutory double patenting rejection is not appropriate. Further, it is submitted that the feature of “a double-edged knife blade” is essential to the copending Application No. 11/352,728, *see* MPEP 806.03.

Simply put, present claims 2, 4, 5, 7, and 9-12 do not represent the “same invention” as the claims in copending Application No. 11/352,728, since they do not

include identical subject matter. *See* MPEP 804(II)(A). Applicant submits that at most there exists a nonstatutory obviousness-type double patenting situation between present claims 2, 4, 5, 7, and 9-12 and copending Application No. 11/352,728. Therefore, applicants submit their willingness to submit a Terminal Disclaimer, at the request of the Examiner.

Accordingly, reconsideration of the rejection of present claims 2, 4, 5, 7, and 9-12 under 35 U.S.C. 101, as claiming the same invention as that of claims 2, 4, 5, 7, and 9-12 of copending Application No. 11/352,728 is respectfully requested.

Claim Rejections – 35 USC § 112

Claims 2, 4, 5, 7, and 9-12 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

The Examiner has stated the following. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. It is unclear what structures the angulation is measured between thereby making the last phrase of paragraph b of claim 2 (said gripping portion is angulated with respect to said blade and said supporting portion) in combination with claims 4 and 5 unclear. Using Figure 1a, the angulation between the blade supporting portion and the grip portion is different than the angulation between the blade and the grip portion. As shown in Appendix A, it is clear that angulation B

between the grip portion and the blade is bigger than angulation A. [Applicant respectfully submits that angulation B is smaller than angulation A]. Using Appendix A and the range from claim 4, if angle A is 170 degrees then angle B would be bigger than 170 degrees and there is no support for an angle larger than 170 degrees. [Again, applicant respectfully submits that if angle A is 170 degrees then angle B would be smaller than 170 degrees. Nevertheless, the point made by the Examiner is well taken and understood.]

Claim 2 has been amended to strike out the phrase “and said blade supporting portion” as follows: “said gripping portion is angulated with respect to said blade ~~and said blade supporting portion~~”. In view of this amendment to the present claims, it is submitted that claim 2 is in compliance with the written description requirement because the angulation referred to by the claims is clear.

Regarding the rejection of claim 9 as failing to comply with the written description requirement, this claim has been canceled. Accordingly, this rejection has been obviated.

Accordingly, reconsideration of the rejection of claims 2, 4, 5, 7, and 9-12 under 35 USC 112, first paragraph, as failing to comply with the written description requirement is respectfully requested.

Claims 2, 4, 5, 7, and 9-12 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has listed certain claim language deficiencies. See paragraphs 11-14 of the Office action dated August 27, 2007. It is submitted that in view of the present amendments to claims 2, 4-5, 7, and 10-12 that each of the claim language deficiencies has been obviated.

Accordingly, reconsideration of the rejection of claims 2, 4, 5, 7, and 9-12 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 2, 4, 5, 7, and 9-13 were rejected under 35 USC 103(a) as being unpatentable over Tebo (US 6,848,185) in view of Anderson.

Tebo discloses a utility knife including: a body defining an interior cavity, and a blade carriage slidably disposed within the cavity. The blade carriage is configured for removably receiving at least one blade, and is at least partially slidably removable from the cavity, thereby allowing facile replacement of the blade. In one embodiment, the carriage may receive first and second blades, each of which is extensible from an associated end of the body. A utility knife blade including dual cutting edges and cutting points is also provided.

Anderson discloses a cutting tool designed for changing or repositioning blades without requiring internal access to the tool, as by opening or otherwise taking the handle apart for access to the blade. The tool in one preferred form has only the end opening, out of which the blade extends for cutting, for gaining access to the blade to reposition or change it. A blade holder for holding a cutting blade rigidly in place while cutting but allowing the blade to be readily repositioned in or removed from the holder for replacement or positional adjustment therein. The holder is configured such that it adjustably and slidably holds the cutting blade in a selected position by lateral surface area contact or wedging of the blade in the holder in a cutting position.

Applicants submit that in view of the amendments to present claim 2 (and claims 4, 5, 7, and 9-12 dependent thereon), the rejection of claims 2, 4, 5, 7, and 9-12 has been obviated. Namely, present claim 2 requires the gripping portion to be angulated with respect to the blade such that the gripping portion is angulated away from and out of the two-dimensional plane defined by the flat surface of the blade. On the other hand, any knife that is disclosed by the combined teachings of Tebo and Anderson teaches a gripping portion that is in the same two-dimensional plane as the plane defined by the flat surface of the blade. See, for example, Figs. 1-5 of Tebo; and Fig. 9 of Anderson. Therefore, it is submitted that claims 2, 4, 5, 7, and 9-12, as amended, patentably define over Tebo in view of Anderson.

Accordingly, reconsideration of the rejection of claims 2, 4, 5, 7, and 9-12 under 35 USC 103(a) as being unpatentable over Tebo in view of Anderson is respectfully requested.

In contrast to the teachings of the cited references, applicants have discovered that having the gripping portion angulated with respect to the blade such that the gripping portion is angulated away from and out of the two-dimensional plane defined by the flat surface of the blade produces a unique utility knife construction which, advantageously, provides easy and safe access to tight corners while installing window glazing and/or SHEET ROCK (TM) dry wall. Further, applicants have discovered that having a substantially V-shaped handle, comprising a substantially V-shaped first member and a substantially V-shaped second member, which is devoid of any pivot point provides a more reliable and safer handle that minimizes the risk of injury to its user when applying significant forces thereto. When compared to any utility knife constructed from the prior art, the utility knife called for by applicants' present claims 2, 4, 5, 7, and 10-12 provides enhanced leverage, access, and visibility, and clearly provides a higher margin of safety for users while working in tight environments.

Conclusion

In view of the amendments to the claims, the amendments to the specification, the new declaration, and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. The allowance of claims 2, 4-5, 7, and 10-12, as amended, is earnestly solicited.

Respectfully submitted,
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